

Coast Guard, DHS

§ 104.110

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AUTHORITY: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.

SOURCE: USCG–2003–14749, 68 FR 39302, July 1, 2003, unless otherwise noted.

EFFECTIVE DATE NOTE: By USCG–2003–14733, 68 FR 39290, July 1, 2003, part 104 was added, effective July 1, 2003, until Nov. 25, 2003.

Subpart A—General

§ 104.100 Definitions.

Except as specifically stated in this subpart, the definitions in part 101 of this subchapter apply to this part.

§ 104.105 Applicability.

(a) This part applies to the owner or operator of any:

(1) Mobile Offshore Drilling Unit (MODU), cargo, or passenger vessel subject to the International Convention for Safety of Life at Sea, 1974, (SOLAS);

(2) Foreign commercial vessel greater than 100 gross register tons not subject to SOLAS;

(3) Commercial vessel greater than 100 gross register tons subject to 46

CFR subchapter I, except commercial fishing vessels inspected under 46 CFR part 105;

(4) Vessel subject to 46 CFR subchapter L;

(5) Passenger vessel subject to 46 CFR subchapters H or K;

(6) Other passenger vessel carrying more than 12 passengers that is engaged on an international voyage;

(7) Barge subject to 46 CFR subchapters D or O;

(8) Barge subject to 46 CFR subchapter I that carries Certain Dangerous Cargoes in bulk, or that is engaged on an international voyage;

(9) Tankship subject to 46 CFR subchapters D or O; and

(10) Towing vessel greater than 8 meters in registered length that is engaged in towing a barge or barges subject to this part.

(b) An owner or operator of any vessel not covered in paragraph (a) of this section is subject to parts 101 through 103 of this subchapter.

(c) Foreign vessels that have on board a valid International Ship Security Certificate (ISSC) that attests to the vessel's compliance with SOLAS Chapter XI-2 and the ISPS Code, part A (Incorporated by reference, see § 101.115 of this chapter), and having taken into account the relevant provisions in the ISPS Code, part B, will be deemed to be in compliance with this part, except for §§ 104.240, 104.255, 104.292, and 104.295 as appropriate.

(d) Except pursuant to international treaty, convention, or agreement to which the U.S. is a party, this part does not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the U.S. and that is in:

(1) Innocent passage through the territorial sea of the U.S.; or

(2) Transit through the navigable waters of the U.S. that form a part of an international strait.

§ 104.110 Exemptions.

This part does not apply to warships, naval auxiliaries or other vessels owned or operated by a government and used only on government non-commercial service.